

**NOT FOR PUBLICATION**

**FILED**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

NOV 21 2023  
MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JOSE DeCASTRO,

Plaintiff-Appellant,

v.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT; STATE OF NEVADA;  
BRANDEN BOURQUE; JASON TORREY;  
C. DINGLE; B. SORENSEN; JESSE  
SANDOVAL; C. DOOLITTLE,

Defendants-Appellees.

No. 23-16089

D.C. No. 2:23-cv-00580-APG-EJY

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Andrew P. Gordon, District Judge, Presiding

Submitted November 14, 2023\*\*

Before: SILVERMAN, WARDLAW, and TALLMAN, Circuit Judges.

Jose DeCastro appeals pro se from the district court's order denying his motion for a preliminary injunction in his 42 U.S.C. §§ 1981 and 1983 action

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

alleging federal and state law claims. We have jurisdiction under 28 U.S.C. § 1292(a)(1). We review *de novo* the district court’s abstention determination under *Younger v. Harris*, 401 U.S. 37 (1971). *Duke v. Gastelo*, 64 F.4th 1088, 1093 (9th Cir. 2023). We affirm.

The district court properly denied DeCastro’s request for a preliminary injunction because under the *Younger* abstention doctrine, the district court was required to abstain from interfering with DeCastro’s pending state court criminal proceedings. *See id.* at 1094 (setting forth requirements for *Younger* abstention); *Baffert v. Cal. Horse Racing Bd.*, 332 F.3d 613, 617, 621 (9th Cir. 2003) (setting forth exceptions to *Younger* abstention and concluding that claimed constitutional violation “does not, by itself, constitute an exception to the application of *Younger* abstention”).

The district court did not abuse its discretion in denying DeCastro’s motion for reconsideration because DeCastro failed to establish any basis for relief. *See Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth standard of review and grounds for reconsideration).

**AFFIRMED.**